

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
-v-	)	Case Number:4:08CR3067
	)	
	)	
GARY ZIERKE, JR.,	)	ORDER
	)	
Defendant.	)	

THIS MATTER comes before the Court on defendant's motion to continue date to file pre-trial motions.

IT IS THEREFORE ORDERED:

1. The motion for an enlargement of time filed by defendant Gary Zierke, (filing [15](#)), is granted. Pretrial motions on behalf of defendant Zierke shall be filed on or before June 9, 2008.
2. The court further finds that the ends of justice will be served by granting defendant Zierke's motion to continue the deadline for filing pretrial motions, and outweigh the interests of the public and the defendants in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and June 9, 2008, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that defendant Zierke needs additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. [18 U.S.C. §3161\(h\)\(8\)\(A\)&\(B\)](#).

Dated this 3<sup>rd</sup> day of June, 2008.

BY THE COURT

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge